

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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JULIE ANNE CHINNOCK, : Case No. 1:18-cv-02935
: Cleveland, Ohio
Plaintiff, :
:
v. : Friday, April 12, 2019
: 12:17 p.m.
NAVIENT CORPORATION, et :
al., :
:
Defendants. :
-----X

TRANSCRIPT OF HEARING PROCEEDINGS
BEFORE THE HONORABLE JAMES S. GWIN
UNITED STATES MAGISTRATE JUDGE

Court Reporter: Donnalee Cotone, RMR, CRR, CRC
Realtime Systems Administrator
United States District Court
801 West Superior Avenue
Court Reporters 7-189
Cleveland, Ohio 44113
216-357-7078
donnalee_cotone@ohnd.uscourts.gov

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produced by computer-aided transcription.

1 APPEARANCES:

2
3 On behalf of Plaintiff Julie Anne Chinnock:

4 **WILLIAM F. CHINNOCK, ESQ.**
8238 Sugarloaf Road
5 Boulder, Colorado 80302
720-504-6655
6 Judgewfc@aol.com

7
8 On behalf of Defendants Navient Corporation, Navient
Solutions, LLC, Navient Student Loan Trust 2014-3:

9 **BRANDEN P. MOORE, ESQ.**
260 Forbes Avenue
10 901 East Cary Street
Pittsburgh, Pennsylvania 15222
11 412-667-7908
bmoore@mcguirewoods.com

12
13 On behalf of Defendants Department of Education,
14 Assistant U.S. Attorney, Acting U.S. Attorney
General:

15 **ALEX ROKAKIS, ESQ.**
801 West Superior Avenue
16 Suite 400
Cleveland, Ohio 44113
17 216-622-3850
alex.rokakis@usdoj.gov

18
19
20 ALSO PRESENT: Julie Anne Chinnock
21
22
23
24
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1 MORNING SESSION, FRIDAY, APRIL 12, 2019

2 (Proceedings commenced at 12:17 p.m.)

3 - - -

4 MR. CHINNOCK: Today is April 12th, 2019.

12:23:31 5 DEPUTY CLERK: All rise.

6 THE COURT: Take a seat.

7 We're convened on Case Number 18-cv-2935, *Chinnock*
8 *versus Navient*.

9 The case is here today for hearing as to -- and to
12:25:02 10 afford the parties an opportunity to offer evidence as to
11 whether the Court has personal jurisdiction in the case.

12 Does the plaintiff have any opening statement?

13 MR. CHINNOCK: Yes, Your Honor. Opening
14 statement?

12:25:16 15 THE COURT: Yeah.

16 MR. CHINNOCK: Okay. Thank you.

17 THE COURT: Why don't you go to the podium and
18 get close to the microphone.

19 MR. CHINNOCK: May it please the Court,
12:25:36 20 Your Honor, I'm William Chinnock, counsel for the plaintiff.

21 This is a case that is part of the national student
22 loan crisis, and the plaintiff is here to offer evidence.
23 She recognizes and honors this Court's authority to seek any
24 evidence that the Court has regarding jurisdiction.

12:26:03 25 She also recognizes that the U.S. Congress is

1 interested and is reviewing this case, along with similar
2 cases regarding the student loan findings of 2016.

3 THE COURT: Why don't you give me a summary in
4 terms of what evidence you think is going to be offered
12:26:24 5 relative to the connections with Ohio for her loan and/or
6 the transactions that you think support jurisdiction.

7 MR. CHINNOCK: Her testimony will be simply on
8 the complaint, Your Honor. It will be very short direct
9 examination, and then Navient, I understand, will cross her.
12:26:48 10 And then Navient will provide a direct exam on whatever they
11 have, and I will then cross.

12 I think both parties have agreed to have very short
13 testimony here.

14 THE COURT: Okay.

12:27:02 15 MR. CHINNOCK: But the -- may I continue with
16 my opening statement?

17 THE COURT: Yeah. But it's intended to be a
18 short summary as to what evidence you think is going to be
19 offered.

12:27:14 20 MR. CHINNOCK: Well, I've already given that,
21 Your Honor, but I'd like to make the point that the
22 plaintiff, through her counsel, has agreed with two
23 Congressional committees to testify before Congress
24 regarding this case and similar cases because the issue of
12:27:32 25 possible fraud by student loan lenders is at issue. That's

1 the main issue in this case. And --

2 THE COURT: Well, we're not going to deal with
3 that today.

4 I mean, you may have merits evidence on that, and
12:27:49 5 maybe that's a defense or a claim in the case, but today
6 we're trying to decide whether there's enough contact with
7 Ohio to allow jurisdiction.

8 MR. CHINNOCK: Yes. I understand that,
9 Your Honor.

12:28:02 10 What the plaintiff's position is that the -- we
11 believe the Court will find there is no jurisdiction in this
12 case, and, therefore, will not reach -- will not bear the
13 burden of deciding the fraud issue. Then the state court
14 will have to decide the fraud issue. That's our position,
12:28:26 15 and that's what we're asking the Court to do.

16 THE COURT: Well, if we don't have personal
17 jurisdiction, wouldn't that stop the state from exercising
18 jurisdiction over the same issue?

19 MR. CHINNOCK: No, it will not. The Ohio
12:28:41 20 savings clause permits this case to go forward in the state
21 court.

22 THE COURT: Well, it may -- it may allow it to
23 go forward -- go forward, but it would still face the same
24 jurisdiction issue, wouldn't it?

12:28:55 25 MR. CHINNOCK: Well, I'm not sure of the

1 entirety of your question.

2 What is your question, Judge.

3 THE COURT: Well, how would saving statute
4 have any impact?

12:29:04 5 MR. CHINNOCK: The Ohio savings statute
6 permits the -- the original case to go forward in the state
7 court without being removed back into this Court under
8 Rule 41.

9 THE COURT: I think you misunderstand
12:29:26 10 my -- what the savings statute does. But the saving statute
11 is largely a statute of limitations issue, as far as I
12 understand.

13 MR. CHINNOCK: That's part of it, yes.

14 THE COURT: It's not a personal jurisdiction
12:29:43 15 controlling authority, right?

16 It deals with the statute of limitations.

17 MR. CHINNOCK: It does. But it also
18 authorizes the plaintiff to go into a different court than
19 the federal court and obtain jurisdiction in that court,
12:30:04 20 which is what we did in the Cuyahoga County Common Pleas
21 Court.

22 THE COURT: Okay. Do you have any argument or
23 summary as to what evidence you're going to offer?

24 MR. MOORE: Sure. Yes. Thank you,
12:30:15 25 Your Honor. Branden Moore on behalf of the Navient

1 defendants.

2 I think we've got evidence to suggest -- and it's the
3 same evidence that we submitted to the Court attached to our
4 supplemental briefing, which is the Declaration of
12:30:28 5 Andrew Reinhart -- I've got Andrew here -- and the
6 attachments thereto, which were promissory notes, auto-debit
7 authorization.

8 THE COURT: So where were the notes actually
9 executed? Were they executed in Ohio?

12:30:41 10 MR. MOORE: No, Your Honor. All the evidence
11 that we have that relates to -- that relates to
12 plaintiff's --

13 THE COURT: Was the plaintiff living in Ohio?

14 MR. MOORE: Not to our knowledge, Your Honor.
12:30:53 15 All of the --

16 THE COURT: At the time the loans were taken
17 out?

18 MR. MOORE: No, Your Honor. All of the
19 evidence that we have suggests --

12:30:58 20 THE COURT: Were the schools Ohio schools?

21 MR. MOORE: No, Your Honor.

22 THE COURT: Were any payments made on these
23 loans?

24 MR. MOORE: Yes, there were. There were a
12:31:06 25 few --

1 THE COURT: And where was the --

2 MR. MOORE: I believe they were made from
3 Seattle, Washington.

4 We have Exhibit B to our affidavit suggests that those
12:31:21 5 were auto-debit authorization forms, and they were signed
6 and banked out of, I believe, Seattle, Washington, but it
7 was not Ohio.

8 THE COURT: And where were you located?

9 THE WITNESS: We're incorporated in Delaware
12:31:33 10 and headquartered in Delaware as well, yeah. We have no
11 places of business in Ohio.

12 THE COURT: Okay.

13 Why don't you call your first witness.

14 MR. CHINNOCK: Okay. I'll call the plaintiff.

12:31:49 15 THE COURT: If you'll raise your right hand.

16 Do you swear that the testimony you give will be the
17 truth, the whole truth, and nothing but the truth?

18 THE WITNESS: I do.

19 THE COURT: If you'll take a seat.

12:32:01 20 THE WITNESS: Here?

21 THE COURT: Yes. Get close to the microphone.
22 State your name and state the spelling of your last name.

23 THE WITNESS: My name is Julie Anne Chinnock,
24 spelled C-H-I-N-N-O-C-K.

12:32:18 25 THE COURT: Are those exhibits?

1 MR. CHINNOCK: One for the Court and one for
2 her.

3 THE COURT: We tend to use the electronic so
4 everybody is watching the same thing.

12:32:27 5 MR. CHINNOCK: Oh, okay.

6 THE COURT: But send one to me, and then with
7 her, use the electronic, the ELMO, if you're going to ask
8 her questions about it.

9 MR. CHINNOCK: She's going to be looking at
12:32:38 10 them?

11 THE COURT: She can see the same thing on the
12 ELMO that everybody else sees.

13 MR. CHINNOCK: Okay. The exhibit will be
14 Docket 1-1.

12:32:47 15 THE WITNESS: You have to have put it over
16 there on the --

17 THE COURT: Put it on the ELMO.

18 DEPUTY CLERK: There's a camera back there.

19 MR. CHINNOCK: Oh.

12:33:19 20 THE COURT: Why don't you go help him with the
21 zoom.

22 Okay. And if you need to mark something, you
23 can drag your finger --

24 THE WITNESS: Okay. Thank you.

12:33:44 25 THE COURT: -- and it will . . .

1 Mr. Chinnoek, go ahead.

2 DIRECT EXAMINATION OF JULIE ANNE CHINNOCK

3 BY MR. CHINNOCK:

4 Q. Julie, being placed before you is docket -- or

12:34:06 5 Document Number 1-1.

6 Can you identify that document?

7 A. Yes.

8 Q. You can see it?

9 A. Yes.

12:34:18 10 Q. What is it?

11 A. It's a complaint that I filed in the Court of Common
12 Pleas of Cuyahoga County. I can't see the date, but I do
13 believe it's December 20th, 2018.

14 Q. Okay. Is it or is it not the same complaint that you
15 filed in the Common Pleas Court in early 2018?

16 A. I believe it's virtually the same document.

17 Q. Okay. And is there a way you can review the entire
18 document or --

19 A. You have to turn the page.

12:34:54 20 Q. I have to turn it here. Okay.

21 Would you refer to paragraph 6.

22 A. Okay.

23 Q. And do you or do you not see any allegation of
24 jurisdiction in Ohio in paragraph 6?

12:35:30 25 A. No.

1 Q. And would you look at paragraph 7 of the complaint.

2 Let me turn the page so you can see both sides.

3 A. Okay.

4 Q. Do you or do not see any allegation of jurisdiction in
12:35:50 5 Ohio in paragraph 7?

6 A. No, I do not see allegations.

7 Q. What do you see in paragraph 6 and 7?

8 THE COURT: Doesn't it largely speak for
9 itself?

12:36:03 10 MR. CHINNOCK: Pardon me?

11 THE COURT: Doesn't it speak for itself?
12 Doesn't the document itself say what it says?

13 MR. CHINNOCK: Sure. Fine.

14 THE WITNESS: Can you turn it back to 6.

12:36:16 15 THE COURT: I mean, the idea is, whatever the
16 document says, it says.

17 THE WITNESS: Okay. So there are factual
18 statements about my domicile status and residency status.

19 MR. MOORE: Your Honor, I'll just object to
12:36:30 20 the fact that, as you mentioned, the document speaks for
21 itself. We'd be willing to stipulate that the pleading says
22 what it says. We would obviously dispute the veracity of
23 that pleading, but I don't think there's probably a need for
24 a review of the complaint.

12:36:51 25 THE COURT: Well, I'm not sure. Go ahead and

1 ask whatever question, but I think he said he doesn't have
2 an objection to the document, so . . .

3 BY MR. CHINNOCK:

12:37:06

4 Q. Okay. Would you look at paragraph 12 and 13 in the
5 Document 1-1.

6 A. Can you turn it back one page?

7 Q. Page 14?

8 A. Or bring it down. Bring the document down. Thank
9 you.

12:37:17

10 Q. Okay.

11 A. Okay.

12 Q. 12 and 13?

13 A. Mm-hmm.

12:37:25

14 Q. Do you or do you not see any allegation of
15 jurisdiction in Ohio in paragraph 12 and 13?

16 A. No, I don't. Those are conclusions about
17 jurisdiction.

18 Q. What do you see in 12 and 13?

19 A. Conclusions about jurisdiction.

12:37:39

20 Q. Okay.

21 MR. CHINNOCK: I have no further questions.

22 THE COURT: Okay. I'm not sure of the order.

23 Mr. Rokakis, do you have any questions?

12:37:55

24 MR. ROKAKIS: No, Your Honor. I do not have
25 any questions.

1 THE COURT: Okay.

2 MR. MOORE: Yes, Your Honor, just a few
3 cross-examination questions.

4 CROSS-EXAMINATION OF JULIE ANNE CHINNOCK

12:38:07 5 BY MR. MOORE:

6 Q. Good afternoon, Ms. Chinnock.

7 A. Good afternoon.

8 Q. Branden Moore on behalf of the Navient defendants.
9 Have you ever lived in Ohio?

12:38:16 10 A. Yes.

11 Q. When is the last time that you physically resided in
12 Ohio?

13 A. Well, I consider Ohio my permanent home.

14 Q. And how do you consider it your permanent home?

12:38:30 15 A. Over the last 20 years, I've been in undergraduate
16 school and in graduate school, and so I've only left here to
17 go to school. And then currently, I'm away from Ohio for
18 employment.

19 Q. When is the last time that you physically resided in
12:38:50 20 Ohio?

21 A. I don't understand the question.

22 Q. I mean, is it safe to say that you -- the last time
23 that you lived in Ohio was prior to undergrad?

24 A. No.

12:39:04 25 Q. Okay. When is the last time that you slept in Ohio

1 besides last night?

2 A. I'd have to check my calendar, but I come back to Ohio
3 as often as I can. I slept here many times this year.

4 Q. Do you still receive mail on a regular basis in Ohio?

12:39:26 5 A. I do.

6 Q. When is the last time that you've worked in Ohio?

7 A. The last time I had a job in Ohio?

8 Q. Yes.

9 A. I don't know. I'd have to check.

12:39:40 10 Q. Okay. Would it have been before or after you began
11 undergrad?

12 A. After.

13 Q. And what would that job have been?

14 A. I'd have to check. I've had many jobs. Some have
12:39:59 15 been in Ohio; some have been in other places.

16 Q. For long periods of time or about how long would you
17 say that you've been employed in Ohio at any given point?

18 A. Sometimes long periods of time. Yeah, I'd have to
19 check.

12:40:14 20 Q. Did you ever attend school in Ohio after high school?

21 A. I did not.

22 MR. MOORE: Okay. I have nothing further.

23 THE COURT: Do you have a current Ohio
24 driver's license?

12:40:27 25 THE WITNESS: I do not.

1 THE COURT: Do you have a current driver's
2 license from any state?

3 THE WITNESS: I have a current driver's
4 license in Washington State.

12:40:35 5 THE COURT: And when did you get that?

6 THE WITNESS: I got that, I believe, in August
7 of this year.

8 THE COURT: Okay. And did you have a driver's
9 license before August of 2018?

12:40:47 10 THE WITNESS: I did.

11 THE COURT: And what state did you have a
12 driver's license in before August of 2018?

13 THE WITNESS: I had a driver's license in the
14 state of Arizona where I had a job at the time.

12:41:00 15 THE COURT: Okay. When did you have an
16 Arizona driver's license?

17 THE WITNESS: What period of time?

18 THE COURT: What years or . . .

19 THE WITNESS: 2015. Let's see.

12:41:12 20 November 2015, I believe.

21 THE COURT: Through August of '18?

22 THE WITNESS: Through August of '18.

23 THE COURT: Okay. So before Arizona, where
24 did you have a driver's license?

12:41:22 25 THE WITNESS: I had a driver's license in the

1 state of Oregon.

2 THE COURT: Okay. When did you have -- what
3 years did you have an Oregon driver's license?

4 THE WITNESS: I'd have to check, but I believe
12:41:34 5 it was 2015.

6 THE COURT: 2015?

7 THE WITNESS: Well, there's some overlap.

8 THE COURT: Okay. So that was when the Oregon
9 license finished or started?

12:41:47 10 THE WITNESS: Both.

11 THE COURT: Okay. Before Oregon's 2015
12 driver's license, did you have a driver's license before
13 that?

14 THE WITNESS: I did. I had a driver's license
12:41:59 15 in the state of California.

16 THE COURT: And when did you get that, and
17 when did it end?

18 THE WITNESS: I'd have to check for sure, but
19 2013 to 2015.

12:42:11 20 THE COURT: Okay. Before 2013, did you have a
21 driver's license?

22 THE WITNESS: I did.

23 THE COURT: And what state?

24 THE WITNESS: The state of Oregon.

12:42:23 25 THE COURT: Okay. And 2015, when did you get

1 the driver's license that ended in 2015 in Oregon?

2 THE WITNESS: Or 2013, right? 2013?

3 THE COURT: 2013.

4 THE WITNESS: I'd have to check, but I believe
12:42:54 5 it was 2003.

6 THE COURT: So from 2003 to 2013, you had an
7 Oregon driver's license?

8 THE WITNESS: I believe.

9 THE COURT: Okay. And are you registered to
12:43:08 10 vote?

11 THE WITNESS: I am.

12 THE COURT: What state are you registered to
13 vote in?

14 THE WITNESS: I'm currently registered to vote
12:43:16 15 in the state of Washington.

16 THE COURT: Okay. And when did you start
17 voting in Washington?

18 THE WITNESS: Well, the same time I got my
19 driver's license, I also registered to vote, because when
12:43:28 20 you move to Washington, within 30 days you have to change
21 these things in order to register your vehicle.

22 THE COURT: Okay. Before that, where did you
23 register to vote, before Washington?

24 Were you registered in any other states before
12:43:45 25 Washington?

1 THE WITNESS: I've been registered to vote in
2 all the states I mentioned previously. When I registered my
3 vehicle, I registered to vote.

4 THE COURT: Okay. So did you register to vote
12:44:01 5 in similar time periods for each of the states you mentioned
6 before?

7 THE WITNESS: Most likely.

8 THE COURT: What college did you attend?

9 THE WITNESS: I've attended eight or nine
12:44:16 10 colleges.

11 THE COURT: Okay. What colleges did you
12 attend?

13 THE WITNESS: I attended Loyola University of
14 Chicago, San Francisco State University, San Mateo College,
12:44:35 15 several other colleges in San Francisco.

16 Bastyr University in Seattle, Portland State
17 University, Linfield College in Portland, and University of
18 Southern California Medical School.

19 THE COURT: Okay. Did you get degrees from
12:45:00 20 any of those?

21 THE WITNESS: I got degrees from Loyola
22 University of Chicago, Linfield College, Portland State
23 University, University of Southern California.

24 THE COURT: Okay. And was your terminal
12:45:13 25 degree an MD degree?

1 THE WITNESS: It was not.

2 THE COURT: Okay. What was the terminal
3 degree?

4 THE WITNESS: A master's in nurse anesthesia.

12:45:23 5 THE COURT: Okay. And was that from Southern
6 California?

7 THE WITNESS: It was.

8 THE COURT: Okay. Did you attend any -- and
9 did you get loans for some of those?

12:45:33 10 THE WITNESS: I believe I received loans for
11 all of those.

12 THE COURT: Okay. Did you get loans for any
13 Ohio universities?

14 THE WITNESS: I never attended university in
12:45:42 15 Ohio.

16 THE COURT: Okay.

17 THE WITNESS: So, no.

18 THE COURT: When you were making payments on
19 the educational loans, how did you make payments?

12:45:59 20 THE WITNESS: The initial payments that I made
21 were auto-debit payments from my bank account.

22 THE COURT: Did you have bank accounts at the
23 locations where you were living?

24 THE WITNESS: Yes.

12:46:13 25 THE COURT: What banks did you bank with?

1 THE WITNESS: Primarily Wells Fargo.

2 THE COURT: And did you authorize auto debits
3 from the Wells Fargo Bank where you were living?

4 THE WITNESS: I did. And then I made a lump
12:46:26 5 sum payment of about -- I'd have to check, I think \$130,000
6 last year. Instead of through auto debit, it was through a
7 bank transfer.

8 THE COURT: Okay. And which bank was that
9 from?

12:46:47 10 THE WITNESS: I'd have to check, but I believe
11 it was Wells Fargo.

12 THE COURT: And where were you living when you
13 made that payment?

14 THE WITNESS: I was living in Phoenix,
12:46:57 15 Arizona.

16 THE COURT: Okay. Did you make any of them
17 while you were residing in Ohio, any of these payments?

18 THE WITNESS: I may have made some payments
19 while I was residing in Ohio. I can't recall, but most of
12:47:20 20 them were auto-debit payments.

21 THE COURT: From California banks?

22 THE WITNESS: No. The bank is located in
23 Portland, Oregon.

24 THE COURT: Okay. Okay.

12:47:35 25 Do you have any follow-up questions?

1 MR. CHINNOCK: Yes, Your Honor.

2 REDIRECT EXAMINATION OF JULIE ANNE CHINNOCK

3 BY MR. CHINNOCK:

4 Q. Julie, you've mentioned a number of years in which you
12:47:48 5 have acquired driver's licenses and voting rights in these
6 various states and not in Ohio.

7 Can you tell us why you did acquire those?

8 And did you retain your Ohio privileges at the same
9 time or not?

12:48:07 10 A. My Ohio privileges for -- would you clarify that?

11 Q. For voting and for driving.

12 THE COURT: Were you registered to vote in
13 Ohio?

14 THE WITNESS: I have been registered to vote
12:48:20 15 in Ohio. I am not registered currently to vote in Ohio.

16 THE COURT: When did you last vote in Ohio?

17 THE WITNESS: I'd have to check.

18 THE COURT: Estimate.

19 THE WITNESS: I've moved so many times and
12:48:30 20 reregistered to vote and reregistered for driver's licenses,
21 I really don't know.

22 THE COURT: What was the last Ohio election
23 you remember voting in?

24 THE WITNESS: I don't recall where I was when
12:48:49 25 I voted in Ohio. I mean, I often voted absentee for many of

1 those places, too.

2 THE COURT: So who was the last Ohio senator
3 you recall voting for?

4 THE WITNESS: Yeah. I don't recall. I don't
12:49:07 5 recall.

6 BY MR. CHINNOCK:

7 Q. Julie, why did you register to vote and register for
8 driving privileges in these states that you --

9 THE COURT: Maybe we should clear something
12:49:19 10 up. The national media or the U.S. Attorney's Office may be
11 in.

12 Did you ever vote in these other states and vote in
13 Ohio in the same year?

14 THE WITNESS: I did not.

12:49:35 15 BY MR. CHINNOCK:

16 Q. I don't mean to imply you voted in two different
17 states at the same time.

18 My question is, why did you register to vote in these
19 states and why did you acquire licenses --

12:49:52 20 A. It's my understanding --

21 (Reporter clarification.)

22 THE WITNESS: Oh, sure. No problem.

23 It's my understanding that for most of these states,
24 or all of them, within 30 days of moving to the state, you
12:49:59 25 have to change your driver's license and -- in order to

1 register a vehicle.

2 Some of the states also require that you are
3 registered to vote in that state in order to do so.

4 So I've, at the same time, did all of those things.

12:50:16 5 MR. CHINNOCK: Okay. Thank you.

6 THE COURT: Have you actually voted in any of
7 these states?

8 THE WITNESS: I have.

9 THE COURT: Okay.

12:50:23 10 Do you have any follow-up?

11 How about you, Mr. Rokakis?

12 MR. ROKAKIS: I have some follow-up,
13 Your Honor.

14 THE COURT: Okay.

12:50:35 15 MR. ROKAKIS: Your Honor, this is slightly
16 outside the scope of the direct. I don't know if the Court
17 will allow it, but I want to ask the witness about her tax
18 returns.

19 CROSS-EXAMINATION OF JULIE ANNE CHINNOCK

12:50:44 20 BY MR. ROKAKIS:

21 Q. Ms. ChinnoCK, I assume you file annual tax returns, do
22 you not?

23 A. I do.

24 Q. Okay. When is the last time you recall filing a
12:50:54 25 federal income tax return which listed your Fairview Park

1 address as your residence?

2 A. Can you repeat the question?

3 Q. Have you ever filed a federal income tax return which
4 showed your Fairview Park address as your residence?

12:51:09 5 A. I have.

6 Q. And do you recall when that was?

7 A. I do not. I'd have to check.

8 Q. Was it more than five years ago?

9 A. I don't know.

12:51:22 10 Q. Was it more than ten years ago, do you know?

11 A. I don't want to give you the wrong answer. I'd have
12 to check.

13 Q. Okay. You stated you still receive mail in Fairview
14 Park; is that correct?

12:51:33 15 A. I do.

16 Q. Okay. Who resides at that address?

17 A. My mother, and I do when I'm here.

18 Q. And what type of mail do you receive there? Is it
19 junk mail? Is it mail of importance?

12:51:46 20 What kind of mail?

21 A. It's a variety of mail. Some of it is junk mail, some
22 of it's financial statements, some of it's personal. It's a
23 variety. It's the same kind of mail I get other places.

24 It's listed as my permanent address, so I get a fair
12:52:05 25 amount of mail there.

1 Q. Okay. It's listed -- the Fairview Park address is
2 listed as your permanent address with what entity or with
3 who?

4 A. I can't say offhand, but in a lot of applications, you
12:52:22 5 have to fill out your temporary address and your permanent
6 address. Student loans, school applications. I would
7 say -- the ones more recently are school applications, and
8 that's one place where it's listed as my permanent address.

9 MR. ROKAKIS: Okay. I have no further
12:52:43 10 questions.

11 THE COURT: I have kind of a question.

12 Did you file your 2018 tax returns yet?

13 THE WITNESS: I have not.

14 THE COURT: Have you filed -- you filed the
12:52:56 15 2017 tax returns, right?

16 THE WITNESS: I did.

17 THE COURT: And did you pay Ohio state taxes
18 in 2017?

19 THE WITNESS: I did not.

12:53:06 20 THE COURT: Did you pay Ohio state taxes in
21 2016?

22 THE WITNESS: I did not.

23 THE COURT: How about 2015?

24 THE WITNESS: I did not. I was not employed
12:53:16 25 in Ohio during those periods of time.

1 THE COURT: Well, if your residence was in
2 Ohio, though.

3 Did you pay the 2015 Ohio state taxes?

4 THE WITNESS: I did not.

12:53:25 5 THE COURT: How about 2014?

6 THE WITNESS: I don't know.

7 THE COURT: How about 2013? Did you pay Ohio
8 state taxes?

9 THE WITNESS: I don't know. I'd have to
12:53:36 10 check.

11 THE COURT: Did you pay Fairview Park state or
12 city taxes -- or Fairview Park city taxes in '17 or '16 or
13 '15 or '14?

14 THE WITNESS: I don't believe so, but I'd have
12:53:51 15 to check.

16 THE COURT: Do you pay any other state taxes
17 apart from Oregon?

18 THE WITNESS: I don't pay Oregon state taxes.
19 I live in Seattle, Washington.

12:54:05 20 THE COURT: I'm sorry.

21 THE WITNESS: So Washington State doesn't have
22 a state tax. But last year, I was able to gain employment
23 in Arizona, and I paid both Oregon and Arizona taxes that
24 year.

12:54:19 25 THE COURT: Okay. Anybody have any follow-up

1 questions on any of that?

2 Okay. Do you have any other witnesses?

3 Thanks, ma'am.

4 THE WITNESS: Sure.

12:54:30 5 MR. CHINNOCK: No, Your Honor.

6 THE COURT: And do you move the admission

7 of --

8 MR. CHINNOCK: Yes.

9 THE COURT: -- what would be, I guess,

12:54:38 10 Plaintiff's Exhibit 1?

11 MR. CHINNOCK: Document 1-1 in the record.

12 THE COURT: Okay. We'll refer to that as

13 Plaintiff's Exhibit 1.

14 MR. CHINNOCK: Okay.

12:54:46 15 THE COURT: Okay. And with that, do you rest

16 your argument?

17 Do you rest?

18 MR. CHINNOCK: Yes.

19 THE COURT: Okay. Would you call your first

12:54:56 20 witness?

21 Thanks, ma'am. You can step down.

22 THE WITNESS: Okay.

23 MR. MOORE: Yes, Your Honor, Navient

24 defendants call Andrew Reinhart.

12:55:07 25 THE COURT: And if you'll raise your right

1 hand.

2 Do you swear that the testimony you give will be the
3 truth, the whole truth, and nothing but the truth.

4 THE WITNESS: I do.

12:55:15 5 THE COURT: Please take a seat.

6 Tell us your name and the spelling of your last name.

7 THE WITNESS: My name is Andrew Reinhart. My
8 last name is spelled R-E-I-N-H-A-R-T.

9 DIRECT EXAMINATION OF ANDREW REINHART

12:55:31 10 BY MR. MOORE:

11 Q. Good afternoon, Mr. Reinhart.

12 Can you tell us where you're currently employed?

13 A. I'm currently employed for Navient Solutions, LLC.

14 Q. And is Navient Solutions, LLC, one of the defendants
12:55:55 15 in this action?

16 A. Yes.

17 Q. Are you familiar with each of the defendant -- Navient
18 defendant entities in this case?

19 A. Somewhat familiar, yes.

12:56:05 20 Q. Okay. Can you explain what Navient Solutions, LLC, in
21 particular does?

22 A. Navient Solutions, LLC -- or we say "NSL" for short.
23 We're tasked with providing -- sorry.

24 We are a servicer for Federal Family Education Loan
12:56:26 25 Program loans, as well as direct loans. We also have a

1 portfolio of private student loans that we service.

2 Those responsibilities include fielding phone calls
3 for customer service, for general questions, as well as
4 processing payments; processing paperwork for different
12:56:47 5 repayment options, deferment, forbearance.

6 That's the general gist of it, yes.

7 Q. And where is your office at Navient Solutions, LLC?

8 A. I am employed in Wilkes-Barre, Pennsylvania.

9 Q. Is that Navient Solutions, LLC's headquarters?

12:57:04 10 A. It is not, no.

11 Q. Where is their headquarters?

12 A. The headquarters building is located in Delaware.

13 Q. And does Navient Solutions, LLC, have any offices
14 outside of Delaware and Wilkes-Barre, PA?

12:57:21 15 A. We have several, yes.

16 Q. Do they have any offices in Ohio?

17 A. We do not.

18 Q. And so there's also a defendant in this case that's
19 Navient Corporation.

12:57:31 20 What is the relationship between Navient Corporation
21 and Navient Solutions, LLC?

22 A. NSL is a subsidiary of Navient Corp.

23 Q. Do you know where Navient Corporation is incorporated?

24 A. Delaware.

12:57:43 25 Q. Okay. Do you know where they're headquartered?

1 A. Delaware.

2 Q. Do you know if they have any places of business
3 located in Ohio?

4 A. They do not.

12:57:54 5 Q. And how about the third and final Navient entity
6 that's been named in this case, Navient Student Loans Trust?

7 Are you familiar with that entity?

8 A. Somewhat, yes.

9 Q. What is the relationship with the trust, we'll call
12:58:11 10 it, and the other two Navient defendant entities?

11 Do you know?

12 A. So the -- just generally speaking, high level, most of
13 the commercial Federal Family Education Loan Program loans
14 are owned by trusts. We service those loans on behalf of
12:58:30 15 the trust.

16 Q. Does that trust have a headquarters?

17 Does it have a physical office location?

18 A. I'm unsure. I don't believe so, though.

19 Q. Okay. Do you know if they have any offices located in
12:58:42 20 Ohio?

21 A. I know they don't have any offices in Ohio.

22 Q. Okay. And you said that you worked for Navient
23 Solutions, LLC, right?

24 A. That's correct.

12:58:51 25 Q. And what is your role at Navient Solutions?

1 What is your title?

2 A. I am a senior account analyst.

3 Q. As a senior account analyst, what sorts of duties do
4 you have?

12:59:01 5 A. Currently, I'm tasked with reviewing escalated
6 complaints, both consumer and legal. I gather documents and
7 analyze accounts and provide that analysis to either
8 in-house counsel or respond directly to consumers.

9 A lot of times we will gather up the documents for
12:59:23 10 production basically, and we provide those to in-house
11 counsel.

12 Q. And so in that role, then, it's -- are you familiar
13 with the business records of Navient generally?

14 A. Yes.

12:59:38 15 Q. With respect to plaintiff in particular, have you had
16 an opportunity to review, in the scope of your employment as
17 an analyst, the business records that relate to plaintiff's
18 student loans?

19 A. I have.

12:59:55 20 Q. And is Navient required to maintain any records that
21 contain plaintiff's home address?

22 A. Yes, we are.

23 Q. Are they required to maintain any records that would
24 include plaintiff's work address?

13:00:17 25 A. Yes.

1 Q. Do they maintain any records that would include
2 plaintiff's banking information?

3 A. If they applied for auto debit, yes.

4 Q. Okay. Based on your review of plaintiff's records
13:00:38 5 that are in Navient's possession, is there any suggestion
6 that from the time that plaintiff entered college, applied
7 for student loans, until the present --

8 MR. CHINNOCK: Object, Your Honor, as to any
9 suggestion.

13:00:52 10 THE COURT: I think it's leading. So I'll
11 sustain the objection.

12 BY MR. MOORE:

13 Q. I'll say it this way: Do the records -- where -- I'll
14 say this:

13:01:06 15 In your review of the records, what have you found to
16 be plaintiff's place of -- place of residence from the time
17 that she applied for student loans with Navient until the
18 present?

19 A. All of the addresses on file were not Ohio addresses.
13:01:24 20 There have been several in Washington State, Los Angeles,
21 California, as well as Arizona, and I believe there was an
22 Oregon address in there, too.

23 Q. And how about her places of employment?

24 Anything that -- what did you see in that regard?

13:01:43 25 A. The places of employment that we had on file, again,

1 none of them were Ohio. I believe there was employment in
2 Arizona, as well as Los Angeles, California.

3 Q. And did you -- you had mentioned that there might be
4 banking information if she had ever applied for auto debit.

13:02:10 5 Did plaintiff ever apply for auto debit from what you
6 can tell based on your review of the records?

7 A. Yes, she did apply for auto debit.

8 Q. And do you recall where the bank was located where
9 that auto debit was registered from?

13:02:22 10 A. I don't recall offhand, but I know it wasn't Ohio. I
11 believe it was either -- I believe there was two of them
12 actually. One was in Portland, Oregon, and the other one
13 was in Arizona, if I recall correctly.

14 Q. So is there any evidence that you've seen that there
13:02:47 15 were any loans solicited from the state of Ohio when it
16 comes to the plaintiff?

17 MR. CHINNOCK: Object to asking for a
18 conclusion.

19 THE COURT: Where do you come up with
13:02:59 20 questions like this?

21 MR. MOORE: I'm sorry?

22 THE COURT: You're asking him to summarize the
23 records. If you have the records or you have exhibits that
24 show where she said she was living, you ought to offer it.

13:03:13 25 But you shouldn't call a witness just to say, are some

1 exhibits that aren't here, what do they show.

2 MR. MOORE: I've got them, Your Honor. I just
3 wanted to sort of give a brief -- we'll move on to that.

4 THE COURT: Okay. Why don't you get to the
13:03:29 5 exhibits then.

6 MR. MOORE: Sure. Thank you.

7 BY MR. MOORE:

8 Q. Mr. Reinhart, I'm going to show you what's been marked
9 as Exhibit A, and it is Exhibit A to the declaration of
13:03:43 10 yours that we submitted to the Court that's been docketed as
11 25-1.

12 Do you --

13 THE COURT: Is that a business record kept in
14 the normal course of business by somebody who has
13:03:54 15 responsibility for keeping those records and accurately
16 reporting?

17 THE WITNESS: It is.

18 BY MR. MOORE:

19 Q. Do you recognize this document?

13:04:04 20 A. Can you make it a little smaller or zoom out a little
21 bit just so I can see the whole document.

22 Q. I think we are zoomed out as far as it can go.

23 A. That's fine.

24 This is an application and promissory note.

13:04:20 25 Specifically, it's the promissory note for Ms. Chinnock.

1 Q. And what address do you see on there?

2 A. It's listed as Seattle, Washington, 98109.

3 THE COURT: And what was the date of that?

4 That was '04?

13:04:36 5 THE WITNESS: Yes.

6 MR. MOORE: I'm going to move this up a little
7 bit, Your Honor, so that we can see the date.

8 THE WITNESS: The bottom right. It was
9 signed on --

13:04:45 10 THE COURT: So it was signed in 2003?

11 THE WITNESS: Yes, Your Honor.

12 BY MR. MOORE:

13 Q. And is this the plaintiff's name?

14 Is it your understanding that this is the plaintiff
13:04:57 15 that sits here today that she submitted this document?

16 A. Yes.

17 Q. I'll flip to -- can you describe what this record is?

18 A. Again, this is an application and promissory note.
19 Specifically, this is a promissory note for a Smart Option
13:05:21 20 Student Loan, which is a consolidation loan.

21 Q. And is this something that the plaintiff submitted to
22 Navient?

23 A. It is.

24 Q. And where does it show her address?

13:05:31 25 A. Top right, right underneath her name. The city is

1 listed as Portland, Oregon. 97217 I think that is.

2 Q. And does this show anywhere -- anywhere where the
3 school is located on this form?

4 A. So I just want to back up really quick. I'm sorry.

13:06:04 5 Could you go back up to the top.

6 Q. Sure.

7 A. I just wanted to clarify. This is a Smart Option
8 Student Loan. It's actually not a consolidation loan. It's
9 an application for a private loan, it looks like, actually.

13:06:20 10 Q. Okay. Thank you.

11 A. I just wanted to clarify that.

12 But you can go ahead.

13 Q. We'll move forward then.

14 THE COURT: And what was the year of that
13:06:40 15 loan?

16 THE WITNESS: Can you page back?

17 The application was signed 5 -- or I'm sorry. Maybe
18 it looks like an 8 or a 5. I can't tell. But it was in
19 2009.

13:06:58 20 THE COURT: So August 10th, 2009?

21 THE WITNESS: Yes.

22 BY MR. MOORE:

23 Q. I'll zoom in a little bit. Just so you can . . .

24 THE COURT: Mr. Rokakis, that's a famous day
13:07:08 25 of the year. August 10th.

1 MR. ROKAKIS: That's famous, Your Honor?

2 THE COURT: Oh, I thought it was August 10th
3 right here.

4 BY MR. MOORE:

13:07:18 5 Q. There it is. Yeah, that's . . .

6 THE COURT: That's Rocky Colavito's birthday.

7 MR. ROKAKIS: Okay. You had me at a loss,
8 Your Honor. I'll make a note of that.

9 BY MR. MOORE:

13:07:38 10 Q. Let's jump to the next form.

11 Do you recognize this form?

12 A. I do. It's a --

13 Q. And what is this form?

14 A. It is an application and promissory note for direct
13:07:51 15 loans, which are federal student loans from the Department
16 of Education.

17 Q. And based on your records, your review of this record,
18 was this submitted by the plaintiff in this case?

19 A. Yes, it was.

13:08:06 20 Q. And does this record show the plaintiff's driver's
21 license, state issuance number? Or the state of issuance of
22 the defendant -- or plaintiff's driver license.

23 THE COURT: I think he's referring to this.
24 (Indicating.)

13:08:40 25 THE WITNESS: Yes, it does.

1 BY MR. MOORE:

2 Q. And what state does the plaintiff show that she has a
3 driver's license?

4 A. In Oregon.

13:08:47 5 Q. And does it also show the plaintiff's address?

6 A. It does.

7 Q. And where does the plaintiff list as her address?

8 A. In Portland, Oregon, 97217.

9 Q. Does it show the school that plaintiff is attending as
13:09:01 10 applied to these loans?

11 A. It does.

12 Q. And where is that school located?

13 A. Linfield College, and it's located in McMinnville,
14 Oregon.

13:09:14 15 Q. Thank you.

16 And what was the -- what is the date of this document?

17 A. It was signed April 2009.

18 Q. Thank you.

19 And do you recognize this record?

13:09:37 20 A. Yes, I do.

21 Q. Is this a -- and what is it?

22 A. This is an application and master promissory note for
23 direct loans.

24 Q. And was this submitted by the plaintiff in this case?

13:09:52 25 A. Yes, it was.

1 Q. Does this document also show the state in which
2 plaintiff had a driver's license at the time she submitted
3 this application?

4 A. Yes, it does.

13:10:03 5 Q. And what state is that?

6 A. In Oregon.

7 Q. And does it also show plaintiff's address at the time
8 she submitted this record?

9 A. Yes.

13:10:13 10 Q. And where -- what state does it show the plaintiff is
11 residing in?

12 A. Portland, Oregon.

13 Q. And what is the date of this -- that this record was
14 submitted?

13:10:25 15 A. July 17th, 2013.

16 Q. Okay. I'm going to show you now what's marked as
17 Exhibit B, Defendants' Exhibit B. This was submitted to the
18 Court attached to Mr. Reinhart's declaration as Exhibit B to
19 Docket Number 25-1.

13:11:09 20 Mr. Reinhart, do you recognize this document?

21 A. Yes. This is a Navient business record. It's an
22 application for automatic debit.

23 Q. And was this submitted by the plaintiff in this case?

24 A. Yes, it was.

13:11:22 25 Q. And does it list plaintiff's address at the time that

1 she submitted this form?

2 A. Yes, it does.

3 Q. And where does it show that plaintiff was residing at
4 the time?

13:11:33 5 A. Portland, Oregon.

6 Q. And what is the date that this form was submitted?

7 A. February 18th, 2011.

8 Q. And does this form also include the bank in which
9 defendant's [sic] auto debits would have been withdrawn
10 from?

13:12:07

11 A. Yes.

12 Q. And where does it show that that bank was located?

13 A. Los Angeles, California.

14 Q. Would there have been any other records, aside from

13:12:35

15 what you've seen, related to promissory notes that Navient
16 would have had that would have corresponded to other loans
17 that plaintiff had with Navient, other than what we've seen
18 here today?

19 A. I'm not -- I'm not sure what you mean.

13:12:54

20 Q. Did we see -- did you have an opportunity to look at
21 every promissory note that Navient has on file with respect
22 to the plaintiff?

23 A. Yes, I did.

24 Q. And was this the -- is this the entirety of the

13:13:08

25 authorization -- the debit authorization forms that Navient

1 has on file with regard to the plaintiff?

2 A. Yes.

3 Q. Thank you.

4 Next I'm going to show you what's been marked as

13:13:18 5 Defendants' Exhibit C. This was submitted as Exhibit C to
6 your declaration, which is at -- was docketed at 25-1.

7 Do you recognize this document?

8 A. Yes.

9 Q. Can you explain what it is?

13:13:42 10 A. This is an inquiry that was received at Navient that
11 was sent by Ms. Chinnock.

12 Q. And what do you see at the top?

13 A. It's -- it looks like her letterhead which lists her
14 address in Scottsdale, Arizona.

13:14:03 15 Q. Is there any other correspondence that Navient has on
16 file from the plaintiff?

17 A. Just general correspondence, I don't believe so.

18 Q. And when is this correspondence dated?

19 A. Can you move it up a little bit?

13:14:20 20 Q. Sure.

21 A. Sorry. Go back down. Sorry. Upper right-hand
22 corner. It's August 3rd, 2017.

23 Q. Thank you.

24 Finally, I'm going to show you what has been marked as
13:14:40 25 Defendant's Exhibit D.

1 This was also included as Exhibit D to your -- the
2 declaration that you submitted which has been docketed at
3 25-1.

4 Do you recognize this document?

13:14:56 5 A. Can you move it down a bit?

6 Q. Sure. Sorry about that.

7 A. This is part of Navient's business records. This is
8 an application submitted by the plaintiff for income-based
9 repayment.

13:15:10 10 Q. And was this particular form submitted by the
11 plaintiff in this case?

12 A. Yes, it was.

13 Q. Does it list plaintiff's address?

14 A. It does.

13:15:22 15 Q. And where does it show the plaintiff was residing at
16 the time that she submitted this form?

17 A. Portland, Oregon.

18 Q. And when -- when does it show that the plaintiff
19 submitted this form?

13:15:34 20 A. January 15th, 2011.

21 Q. Does this form require that the plaintiff certify the
22 veracity of the information therein?

23 A. Yes. So down -- it's a little hard to read. But
24 under Section 5, second bullet point.

13:15:58 25 Generally, in Section 5, she would have to certify

1 that all the information on the form is accurate.

2 Q. Thank you.

3 And do you recognize this document?

4 A. Yes. This is an addendum to the income-driven or
13:16:19 5 income-based repayment plan. This is the alternative
6 documentation of income.

7 Q. And when would this have been submitted?

8 A. It would have been submitted alongside of the
9 application that we just looked at.

13:16:34 10 Q. Does this also show her address?

11 A. It does.

12 Q. And where does it show that plaintiff was living at
13 the time that she submitted this document?

14 A. Portland, Oregon.

13:17:05 15 Q. Do you recognize this document?

16 A. Yes.

17 Q. And what is it?

18 A. This is a copy of plaintiff's 1040 from their tax
19 return that was submitted with the income-based repayment
13:17:17 20 application.

21 Q. And does this show her address?

22 A. It does.

23 Q. And where does it show that she was residing at the
24 time that she submitted this to Navient?

13:17:29 25 A. Portland, Oregon.

1 Q. Does Navient have any other income-based repayment
2 plan requests on file for the plaintiff, to your knowledge?

3 A. Yes. There was a few in that packet that you went by.

4 Q. Let me look then.

13:18:03 5 A. The first application was submitted, it looks like,
6 manually. Whereas, the second ones were submitted through
7 the Department of Education's website.

8 Q. Oh, I see.

9 A. The ones with the blue ink. Page through. Right on
13:18:27 10 the right-hand side.

11 Q. Okay. So what did you say this was?

12 A. So this is -- sorry. Excuse me. -- an application
13 for income-driven repayment. This is just in electronic
14 form. It's submitted through the Department of Education's
13:18:48 15 website.

16 Q. Does it show when this would have been submitted?

17 A. Yes. It was created 9-22-2015.

18 Q. And does it show where the plaintiff was residing at
19 the time that she submitted this --

13:19:08 20 A. It does.

21 Q. -- form?

22 And where was that?

23 A. Los Angeles, California.

24 Q. Is this a new form or just a continuation of the
13:19:27 25 previous one?

1 A. So this is another application. So borrowers have to
2 recertify yearly or anytime their income changes. So this
3 is something we would receive on a yearly basis.

4 Q. I see.

13:19:39 5 Does it show when this document was created?

6 A. Yes. June 28th, 2016.

7 Q. And this was submitted -- does it show who submitted
8 this document?

9 A. Yes. The plaintiff, Ms. Chinnock.

13:19:51 10 Q. And does it show where she was residing at the time
11 that she submitted this document?

12 A. It does.

13 Q. And where was that?

14 A. Portland, Oregon.

13:20:00 15 Q. Thank you.

16 How about this record?

17 A. Again, it's just an annual recertification for the
18 income-driven repayment plan.

19 Q. And who would have submitted this?

13:20:18 20 A. The plaintiff.

21 Q. And when would she have submitted it?

22 A. It was submitted August 30th, 2017.

23 Q. And we can tell that right underneath the "Created"
24 tab there?

13:20:28 25 A. That's correct.

1 Q. Does it show where the plaintiff was residing at the
2 time that she submitted this form?

3 A. It does.

4 Q. And where was she residing?

13:20:38 5 A. Scottsdale, Arizona.

6 Q. Thank you.

7 And how about this form?

8 A. This is an income-driven repayment plan request.

9 Q. And does it show who submitted it?

13:21:04 10 A. It does.

11 Q. And who was that?

12 A. The plaintiff.

13 Q. Does it show where she was living at the time that she
14 submitted it?

13:21:11 15 A. It does.

16 Q. And where was that?

17 A. Seattle, Washington.

18 Q. Do you recognize this document?

19 A. I do.

13:21:36 20 Q. And what is it?

21 A. It's correspondence that we received from the
22 plaintiff.

23 Q. And --

24 A. This was --

13:21:49 25 Q. -- why would this correspondence have been received by

1 Navient?

2 A. This was received in conjunction with an application,
3 most likely for income-based repayment, or it could be for
4 some type of deferment.

13:22:04 5 Q. And what would the purpose of the correspondence be?

6 A. It appears that it's just validating her employment
7 status.

8 Q. And does it show where she was employed at the time?

9 A. It does.

13:22:17 10 Q. Where was -- where does the record show that she was
11 employed?

12 A. CRH Anesthesia.

13 Q. And does it show when that employment relationship
14 would have commenced?

13:22:33 15 A. Yes. June 11th, 2018.

16 Q. And do you recognize that document?

17 A. Yes.

18 Q. And what is it?

19 A. This is a copy of the plaintiff's pay stub.

13:22:57 20 Q. Why would this have been submitted to Navient?

21 A. This was submitted in conjunction with the
22 income-driven repayment plans --

23 Q. Okay.

24 A. -- to verify her income.

13:23:06 25 Q. And where does it show that the plaintiff was employed

1 at the time?

2 A. The same place, CHR.

3 Q. Is there an address listed for that entity?

4 A. Yes. It's a little blurry, but I believe it's

13:23:21 5 Bellevue, Washington.

6 Q. And does it show when this pay period covered?

7 A. Yes. The check stub for the period was -- it either

8 looks like a 3 or a 9. I'm not sure. But it was 2018.

9 Q. Thank you.

13:23:43 10 MR. MOORE: Your Honor, I would move for the

11 admission of Exhibits A through D for the defendant.

12 THE COURT: Is there any objection?

13 MR. CHINNOCK: Yes, there is.

14 THE COURT: I'll overrule the objection. I'll

13:23:55 15 receive the exhibits.

16 MR. MOORE: Thank you, Your Honor.

17 BY MR. MOORE:

18 Q. Mr. Reinhart, we touched on this briefly at the

19 beginning of your testimony. We'll circle back to it.

13:24:03 20 Based on the records that you've reviewed today, are

21 these all of the records that Navient has on file for the

22 plaintiff?

23 A. We have other records pertaining to servicing history,

24 things like that. Payment history.

13:24:22 25 Q. Are there any other records that would have shown her

1 address that we didn't review today?

2 A. No.

3 Q. Based on the records that you've reviewed today, is
4 there any -- does it show that plaintiff ever resided in
13:24:40 5 Ohio?

6 A. It does not.

7 MR. MOORE: Thank you. I have nothing
8 further.

9 THE COURT: Cross-examination?

13:24:47 10 Do you have any?

11 MR. ROKAKIS: No questions, Your Honor.

12 THE COURT: Okay.

13 CROSS-EXAMINATION OF ANDREW REINHART

14 BY MR. CHINNOCK:

13:24:59 15 Q. How many loans does Navient Trust -- not Navient --
16 including all three of those entities, but Navient Trust is
17 the entity that claims the plaintiff owes loans to them,
18 right?

19 A. I'm sorry. I don't understand your question. It was
13:25:19 20 kind of two questions merged.

21 Q. Okay. Well, there's three entities that have been
22 referred to as Navient defendants; one is the LLC, one is
23 the corporation, and one is the Navient Trust, right?

24 A. Correct.

13:25:38 25 Q. And the Navient Trust is the entity that claims

1 they -- the trust is owned -- owed these loans from the
2 plaintiff, right?

3 A. Yes.

13:25:53

4 Q. Now, how many loans does Navient Trust claim the
5 plaintiff owes to it?

6 A. Could you be more specific?

7 You mean specifically for your client or in general?

8 Q. No. How many loans does Navient Trust claim the
9 plaintiff owes to it?

13:26:09

10 A. Oh. I believe there were seven total.

11 Q. Pardon me?

12 A. From the trust, I believe there's one.

13 Q. When you say "from the trust," though, let me ask you
14 the question again.

13:26:25

15 The Navient Trust is the entity that claims the
16 plaintiff owes loans to it, right?

17 A. Yes.

18 Q. The other two Navient defendants do not claim the
19 plaintiff owes funds to them, right?

13:26:40

20 A. The --

21 Q. The corporation --

22 A. The LLC --

23 Q. The LLC, they do not claim the plaintiff owes funds to
24 them, right?

13:26:51

25 A. Well, the LLC is the servicer, so they're responsible

1 for servicing the loan on behalf of the trust.

2 Q. Would you answer my question?

3 There's three entities that have been referred to as
4 Navient defendants, but the Navient corporation and the
13:27:07 5 Navient LLC are not entities that claim the plaintiff owes
6 funds to them.

7 Is that correct?

8 A. The owner of the loan would be the trust, but the LLC
9 collects on behalf of the trust.

13:27:23 10 Q. The Navient Trust is the only Navient entity that
11 claims the plaintiff owes funds to it, right?

12 And they claim there are, what? Six loans the
13 plaintiff owes to it?

14 A. I believe there's only one loan. The remainder of the
13:27:47 15 loans are through the Department of Education.

16 Q. You're saying that the Navient Trust claims that the
17 plaintiff owes only one loan to it?

18 A. I believe so. And the rest are through the Department
19 of Education.

13:28:04 20 Q. Well, I think that the Navient Trust has claimed in
21 the pleadings that there are six loans owed to it, and that
22 the Department of Education claims only two loans owed to
23 it. So we're not talking --

24 A. Yes.

13:28:26 25 Q. -- about the Department of Education loans here.

1 We're just talking about the six, I believe, from the
2 Navient Trust.

3 A. I'm sorry. I may have it backwards then. So the
4 majority of the loans were from the trust.

13:28:41 5 Q. From the trust?

6 A. Yes.

7 Q. But the Navient loans were not made directly by the
8 trust, were they, to the plaintiff?

9 A. They were made pursuant to the Federal Family
13:28:56 10 Education Loan Program.

11 Q. No. That's not my question.

12 Not what they were made pursuant to.

13 My question is, any of the loans that the Navient
14 Trust claims are owed to it by the plaintiff, none of those
13:29:10 15 loans were made directly by the Navient Trust to the
16 plaintiff.

17 Isn't that correct?

18 A. Correct.

19 Q. So in order for Navient Trust to legitimately claim
13:29:26 20 they own these loans, they would have assignments from
21 whatever entity made the loans, right?

22 A. I'm sorry. I don't understand your question.

23 Q. Well, you've acknowledged that the Navient Trust did
24 not make any direct loans to the plaintiff.

13:29:48 25 But nevertheless, Navient Trust is claiming she owes

1 these loans to it.

2 So there would be assignments and a chain of title
3 from the original lender in favor of the Navient Trust to
4 show that the Navient Trust owns these loans, which they are
13:30:14 5 claiming they do, right?

6 A. Yes.

7 Q. Do you have anywhere in your documents those
8 assignments from the original lender to the plaintiff; any
9 assignment documents assigning these loans to the Navient
13:30:33 10 Trust?

11 A. No. Not in the documents that we have today, no.

12 Q. Pardon me?

13 A. Not with the documents that we have today.

14 Q. Have you seen any such assignments?

13:30:44 15 A. Not personally.

16 Q. Do you know if there's any in existence?

17 A. Yes.

18 Q. You do know?

19 A. I would assume that we have them. I'm not 100 percent
13:30:55 20 certain, though.

21 Q. So you are saying that you believe there's assignments
22 in existence showing that the Navient Trust is the owner
23 today of these loans?

24 A. Yes.

13:31:10 25 Q. But you don't have them here?

1 A. No. The documents that we have today here are
2 pertaining to the issue which was jurisdiction.

3 MR. MOORE: Yeah, Your Honor. I'm going to go
4 ahead and object to this line of questioning. Counsel is
13:31:30 5 outside --

6 THE COURT: Why don't we go on.

7 MR. CHINNOCK: I didn't hear, Your Honor.

8 THE COURT: Go on. Ask another question.

9 BY MR. CHINNOCK:

13:31:38 10 Q. Okay. Do you have any unredacted documents?

11 You've shown a lot of documents here with a lot of
12 redactions in them.

13 Do you have unredacted copies of these documents
14 you've testified to today?

13:31:52 15 A. Not with us, no.

16 Q. Okay. Are they in existence?

17 A. Yes.

18 Q. Will you provide them to the Court and to the
19 plaintiff?

13:32:14 20 A. They're redacted for privacy. I don't really decide
21 what gets redacted and what doesn't get redacted.

22 THE COURT: I mean, does your client want to
23 waive that? She's the one that's probably put at risk.

24 MR. CHINNOCK: I think that we'll strike all
13:32:31 25 of the documents shown that are redacted.

1 THE COURT: Okay. I'll deny that.

2 Are you requesting that he provide unredacted --

3 MR. CHINNOCK: Copies.

4 THE COURT: Yeah. You want unredacted?

13:32:49 5 That's what you want? You want your Social Security number
6 and home --

7 MR. CHINNOCK: The plaintiff and the Court,
8 yeah.

9 THE COURT: We file things publicly here.

13:33:01 10 MS. CHINNOCK: Yeah, let's discuss that.

11 MR. CHINNOCK: Well, we can -- with the
12 exception of her Social Security number, we should be able
13 to see unredacted copies because all of these have a lot of
14 redactions.

13:33:14 15 MR. MOORE: There's also bank account
16 information, as well as her account number, addresses.
17 There's some nonpublic information in there that's highly
18 sensitive.

19 MS. CHINNOCK: Can I confer with him?

13:33:26 20 THE COURT: Yeah. You better.

21 (Pause in proceedings.)

22 MR. CHINNOCK: We're addressing the redacted
23 copies. We're asking for unredacted copies to be submitted,
24 not in the record, but to the plaintiff. You can redact
13:34:18 25 Social Security numbers and bank accounts.

1 THE COURT: Well, you can deal with that.
2 File a motion to produce or a motion for production. But
3 let's go on with the questioning.

4 BY MR. CHINNOCK:

13:34:32 5 Q. Okay. I've noticed that the documents that you've
6 testified to today do not contain, I don't believe, any
7 signature of the plaintiff.

8 A. I'd have to review them, but I believe some of them
9 had her --

13:34:50 10 Q. Well, let's review them. We reviewed them once. We
11 can do it again.

12 A. Otherwise, the signature on file would be an
13 electronic signature.

14 Q. Are you guessing or are you telling us the truth or
13:35:02 15 what here?

16 THE COURT: Well, the documents speak for
17 themselves.

18 Give him the exhibits if he wants to take a look at
19 them.

13:35:46 20 Okay. What's the question?

21 MR. CHINNOCK: Well, I can't see the exhibit
22 here.

23 DEPUTY CLERK: Oh, I'm sorry. Okay.

24 BY MR. CHINNOCK:

13:36:01 25 Q. Well, I will go through. I'm not sure where these

1 would be --

2 THE COURT: They'll speak for themselves, but
3 if you have a particular question, go to it. But I'm not
4 going to -- we've got kind of some time limits that we are
13:36:14 5 trying to keep with.

6 MR. CHINNOCK: Well, I'm asking him to show
7 the signature of the plaintiff on any of these documents.
8 We got Exhibit A.

9 BY MR. CHINNOCK:

13:36:38 10 Q. Okay. So we see on Exhibit A, the first page, there
11 is a signature dated November 5, 2003, right?

12 A. Can you move the document up, please.

13 Yes. So at the bottom, her signature is on there.

14 Q. And that is not -- that is not a -- this is an
13:37:12 15 application, right?

16 A. It's an application and promissory note.

17 Q. Okay. This application is not from the plaintiff to
18 the student -- or the Navient Trust, right?

19 A. I'm sorry. I don't understand your question.

13:37:30 20 Q. Well, you acknowledge that none of these loans were
21 made directly by the Navient Trust, right?

22 A. Correct.

23 Q. And this confirms that for this particular Exhibit A,
24 the signature of the plaintiff is not a signature making an
13:37:53 25 application to or obtaining a loan from the Navient Trust.

1 A. No.

2 Q. No --

3 A. It's not for the trust, but it is for a loan. It's a
4 loan application.

13:38:10 5 Q. It's not to the trust, right?

6 A. But it is a loan application for --

7 Q. Okay. So it was made to another entity, perhaps,
8 right?

9 A. Correct.

13:38:22 10 Q. But you have no assignment --

11 MR. MOORE: Object, again, to this line of
12 questioning. The documents speak for themselves, and the
13 witness has already testified as to the contents of the
14 documents.

13:38:30 15 THE COURT: Well, I think they do speak for
16 themselves.

17 Go on with a question. We're not really talking about
18 whether there was a proper assignment. We're talking about
19 whether the Court has jurisdiction.

13:38:40 20 So . . .

21 BY MR. CHINNOCK:

22 Q. And the next page on Exhibit A in which there is an
23 application is the page before you now with a bunch of
24 redactions on it.

13:39:15 25 And there is no signature on there from the plaintiff?

1 A. Yes, there is.

2 Q. Where is that?

3 A. The bottom left-hand corner, there's her electronic
4 signature.

13:39:32 5 Q. An electronic signature?

6 A. Yes.

7 Q. You mean somebody typed her name in, and that's what
8 you're saying is an electronic signature?

9 A. Correct.

13:39:45 10 Q. Do you know that she typed her name in there?

11 I mean, what shows that that is her electronic
12 signature on this document?

13 A. In order to fill out an application, someone would
14 have to have personal knowledge of all of her sensitive
13:40:05 15 information, such as her Social Security number, date of
16 birth, residence. All of these items were cross-checked to
17 be sure to be accurate.

18 Q. So that's your opinion?

19 MR. MOORE: Your Honor, I'm going to renew the
13:40:16 20 objection that these documents speak for themselves.

21 THE COURT: Yeah. I think they do.

22 Who is Teresa Chinnock?

23 MS. CHINNOCK: That's my mother.

24 BY MR. CHINNOCK:

13:40:30 25 Q. Okay. Again, this document does not show any

1 relationship between the plaintiff and Navient Trust, does
2 it?

3 MR. MOORE: I'm going to renew the objection,
4 Your Honor.

13:40:42 5 THE COURT: Sustained.

6 Sustained. Go on to something else.

7 I sustained the objection. Go on to another question.

8 BY MR. CHINNOCK:

9 Q. So this is a third similar document, and that's all
13:41:22 10 the similar documents that you call applications and
11 promissory notes, right? In Exhibit A? Because I'm not
12 familiar with Exhibit A.

13 Is this the last one, or are there more?

14 A. I believe there's another one, but this is a little
13:41:37 15 bit different. This is for the Department of Education.

16 Q. All right. So it's for the Department of Education?

17 A. Yes.

18 Q. This does not -- this third exhibit in Exhibit A is
19 not related to the loans that the Navient Trust claims is
13:41:59 20 owed to them, right?

21 MR. MOORE: Your Honor, I'm going to renew the
22 objection.

23 THE COURT: Sustained.

24 MR. CHINNOCK: I couldn't hear, Your Honor.

13:42:07 25 THE COURT: I sustained the objection.

1 MR. CHINNOCK: Okay.

2 BY MR. CHINNOCK:

3 Q. Is that it, or are there others? Because the pages
4 are hard to turn here.

13:42:26 5 How many documents are there that are applications in
6 Exhibit A?

7 Is this the fourth one? Is this the last one? The
8 one that's before you.

9 A. I believe there may be one more, which is a
13:42:40 10 consolidation. I'm not sure. We can page through them to
11 see if there's another one.

12 Q. Okay. So this fourth document, which is a file of
13 March 21, 2019, that is not related in any way to a loan
14 that the plaintiff owes to Navient Trust, right?

13:43:07 15 MR. MOORE: Objection. Renewed.

16 THE COURT: Sustained.

17 BY MR. CHINNOCK:

18 Q. Are there any others in here, because it's tough to
19 hit every page here.

13:43:25 20 MR. MOORE: I'm going to renew the objection,
21 Your Honor, that these documents speak for themselves.

22 THE COURT: Just answer the question.

23 Are there any other pages that you know of?

24 THE WITNESS: All of the applications are
13:43:37 25 included in this packet.

1 BY MR. CHINNOCK:

2 Q. So it looks like there's a fifth one, I think I found
3 here, which was filed as Document Number 25-1.

4 This document also does not relate in any manner to
13:44:01 5 the loans that Navient Trust claims are owed to it by the
6 plaintiff, correct?

7 A. These loans are through the Department of Education,
8 so, no.

9 Q. I didn't hear your answer.

13:44:15 10 A. These loans are through the Department of Education,
11 so, no.

12 Q. No. My question is: This document, on its face, does
13 not relate in any manner to any of the loans that the
14 Navient Trust claims the plaintiff owes to it, right?

13:44:33 15 A. Correct. These are direct loans through the
16 Department of Education.

17 Q. So this is another situation that none of these
18 alleged loans by the Navient Trust were made directly from
19 the Navient Trust to the plaintiff, right?

13:44:47 20 MR. MOORE: Your Honor, I'm going to object.

21 THE COURT: Sustained.

22 BY MR. CHINNOCK:

23 Q. Are there any assignment documents showing that the
24 Navient Trust owns these loans that it claims the plaintiff
13:45:02 25 owes to it?

1 Are there any assignment documents to prove that they
2 own these loans?

3 MR. MOORE: Objection, Your Honor.

4 THE COURT: Sustained.

13:45:23 5 MR. CHINNOCK: I have no further questions.

6 THE COURT: Okay. Do you have anything else?

7 MR. MOORE: No. No further questions,

8 Your Honor.

9 THE COURT: Do you have any, Mr. Rokakis?

13:45:32 10 MR. ROKAKIS: No, Your Honor.

11 THE COURT: Do you have any final argument on
12 behalf of the plaintiff?

13 Or do you have any other witnesses you wish to call?

14 MR. MOORE: No, Your Honor.

13:45:44 15 THE COURT: I'm sorry. And I should ask, do
16 you wish to move the admission of any exhibits?

17 MR. MOORE: Yes, Your Honor. The admissions
18 of Exhibits A through D.

19 THE COURT: Okay. Is there objection to that?

13:45:55 20 MR. CHINNOCK: Yes, Your Honor.

21 THE COURT: I'll overrule the objection. I'll
22 receive the exhibits.

23 MR. CHINNOCK: Can we give our basis of the
24 objection?

13:46:00 25 THE COURT: Yeah.

1 MR. CHINNOCK: Well, the main basis is that
2 there's been an admission here that none of these documents
3 relate in any manner to the loans that the Navient Trust
4 claims the plaintiff owes to it. They don't relate to the
13:46:18 5 issue at hand here as to whether these -- the Navient Trust
6 owns these.

7 THE COURT: Okay. But I'm trying to decide
8 whether I have personal jurisdiction in this case. I'm not
9 deciding the merits of the case. You may win or you may
13:46:38 10 lose on that, but that's not what we're -- the hearing is
11 about.

12 The hearing is about whether there was sufficient
13 contacts in this case with the state of Ohio to give this
14 Court jurisdiction. And whether or not there was a proper
13:46:54 15 assignment of the loan I don't think goes to that issue of
16 personal jurisdiction.

17 So that's why I sustained the objection.

18 You can step down.

19 And I will receive A through D.

13:47:07 20 With that, do you rest?

21 MR. CHINNOCK: Sir, I can't hear you,
22 Your Honor.

23 THE COURT: I asked if he rested.

24 MR. MOORE: We do, Your Honor.

13:47:15 25 MR. CHINNOCK: Yes.

1 THE COURT: And do you have anything else,
2 Mr. Rokakis?

3 MR. ROKAKIS: No, Your Honor.

4 THE COURT: Okay. Do you have any argument?

13:47:20 5 What contacts are there with Ohio that give this Court
6 jurisdiction?

7 MR. CHINNOCK: You're honor, I would simply --

8 THE REPORTER: Excuse me. Is your microphone
9 muted?

13:47:24 10 MR. CHINNOCK: Oh, I'm sorry.

11 We have no further evidence on that point, Your Honor.

12 THE COURT: I was asking if you had any
13 argument.

14 What contacts does Ohio have with this that would
13:47:44 15 support jurisdiction?

16 MR. CHINNOCK: We will rest on the evidence
17 that's in our briefs.

18 THE COURT: Okay.

19 MR. CHINNOCK: And we would ask the Court if
13:47:51 20 we would have -- if the Court would permit a ten-day period
21 for post-hearing briefs.

22 THE COURT: Yeah, no.

23 Do you have any argument?

24 MR. MOORE: Yes, Your Honor. Thank you.

13:48:03 25 Just want to suggest, you know, as you mentioned, you

1 know, that the purpose of today's hearing was to determine
2 whether there was any evidence to suggest that the Court had
3 personal jurisdiction.

4 And although it was a bit of a laborious process, I
13:48:18 5 think what the evidence shows today, it confirms what has
6 already been submitted by the parties, that the Court does
7 not have personal jurisdiction in this case.

8 The Navient defendants have no contacts with Ohio, and
9 as it relates to the Navient defendants, there is no
13:48:33 10 connection between plaintiff, herself, and Ohio.

11 She did not attend secondary education in Ohio. She
12 has resided in other states on the West Coast other than
13 Ohio since at least leaving for her undergraduate education
14 and does not have any contacts with Ohio whatsoever.

13:48:54 15 As a result, we would argue that there is no -- the
16 Court does not have personal jurisdiction in this matter.
17 And I will point out that the plaintiffs have suggested as
18 much in their most recent filings.

19 Thank you.

13:49:08 20 MR. CHINNOCK: Your Honor, when the
21 plaintiff's counsel states that we rest on our -- the
22 evidence in our briefs, we will point out that we filed a
23 prehearing brief which contains evidence that the
24 parties -- all the parties have made stipulations, judicial
13:49:30 25 admissions and statements of counsel, that there is no

1 subject matter jurisdiction or personal jurisdiction. So we
2 would ask the Court to consider that uncontroverted
3 evidence.

4 THE COURT: Okay. I'm not sure that's true,
13:49:45 5 but there's a difference between subject matter jurisdiction
6 and personal jurisdiction.

7 And challenge to subject matter jurisdiction is
8 determined separately from personal jurisdiction.

9 MR. CHINNOCK: Sure.

13:50:01 10 THE COURT: Okay. Thanks, everyone. And
11 we'll adjourn.

12 MR. CHINNOCK: Your Honor, I'd like to proffer
13 a portion of my opening statement into the record, proffer
14 it.

13:50:15 15 THE COURT: We have a court reporter. Proffer
16 an opening statement? Presumptively it's part of the
17 record.

18 I've never heard of somebody saying, I
19 proffer -- that's like saying I proffer questions and
13:50:32 20 answers from a witness. If you've asked the question and
21 the witness has given the answer, it is evidence.

22 MR. CHINNOCK: Well, Your Honor, what I'm
23 pointing out is that I was not able to complete my opening
24 statement. I'd like to simply put on the record the entire
13:50:49 25 opening statement.

1 THE COURT: Okay.

2 MR. CHINNOCK: Is that all right?

3 THE COURT: Opening statements are an intent
4 to give the factfinder or the decider an overview. They're
13:50:58 5 not evidence themselves.

6 So we'll stand adjourned.

7 MR. CHINNOCK: So that's a denial?

8 THE COURT: I didn't stop you from making
9 opening statement, but beyond that, the opening statement is
13:51:13 10 not evidence.

11 MR. CHINNOCK: Right. So I understand you're
12 denying the request.

13 - - -

14 (Proceedings adjourned at 1:51 p.m.)

15

16 **C E R T I F I C A T E**

17

18 I certify that the foregoing is a correct transcript
19 from the record of proceedings in the above-entitled matter.

20

21 /s/ Donnalee Cotone 2nd of May, 2019
22 DONNALEE COTONE, RMR, CRR, CRC DATE
Realtime Systems Administrator

23

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25